

Amendment and Response

Serial No.: 10/613,722

Confirmation No.: 4983

Filed: 3 July 2003

For: DENTAL MATERIALS WITH EXTENDABLE WORK TIME, KITS, AND METHODS

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Remarks

The Office Action mailed 19 August 2004 has been received and reviewed. Claims 9, 13, 15, 16, 36, and 42 having been amended, and claims 1-8, 10-12, 14, 17-35, 37-41, and 43-48 having been cancelled, the pending claims are claims 9, 13, 15, 16, 36, and 42. Reconsideration and withdrawal of the rejections are respectfully requested.

Claim Objection

The Examiner objected to claims 15-18 under 37 C.F.R. 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claims 15-18 have been amended or cancelled, so this rejection is rendered moot.

Obviousness-Type Double Patenting Rejection

Claims 1-48 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-27 of U.S. Patent No. 6,624,211.

Submitted herewith is a Terminal Disclaimer.

Allowable Claims

It is noted that claims 9, 13-16, 36, and 42 were not subject to any art rejections. Accordingly, claims 9, 13, and 36 have been rewritten in independent form to incorporate the language of the claims from which they depend. Claim 42 was already in independent form. Claim 14 has been cancelled and the language incorporated into claim 13. Claims 15 and 16 have been amended. The remaining claims have been cancelled. Thus, in view of the Terminal Disclaimer submitted herewith, these claims should be allowable and notification to that effect is respectfully submitted.

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The 35 U.S.C. §112, Second Paragraph, Rejection

The Examiner rejected claims 7, 14, 34, and 46 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner alleged that the claims contain improper Markush language. The rejection is rendered moot in view of the cancellation of claims 7, 14, 34, and 46. It is noted that the language of claim 14 has been incorporated into claim 13.

The 35 U.S.C. §102 Rejection

The Examiner rejected claims 1-8, 10-12, 17-35, and 37-41 under 35 U.S.C. §102 (a or b or e) as being anticipated by Bowen et al. (U.S. Patent No. 3,740,850) Erickson et al. (U.S. Patent No. 3,928,280), Argenttar (U.S. Patent No. 4,243,763), Antonucci (U.S. Patent No. 4,536,523), Bowen (U.S. Patent No. 5,320,886), Eichmiller (U.S. Patent No. 5,525,647), Okada et al. (U.S. Patent No. 5,698,611), Kawashima et al. (U.S. Patent No. 5,908,879), Harada et al. (U.S. Patent No. 6,191,191), Nippon Oil & Fats (EP Patent No. EP 0 176 777), University of California (PCT Patent No. WO 95/30480), or Kuraray Co. Ltd. (JP Patent No. JP 9-77623).

This rejection is respectfully rendered moot in view of the cancellation of each of these claims. This has been done to expedite prosecution and is not meant to indicate agreement with the rejections or any of the Examiner's comments. Applicants reserve the right to present these claims and arguments to the Examiner's comments in a continuing application.

The 35 U.S.C. §103 Rejection

The Examiner rejected claims 1-8, 10-12, 17-35, 37-41, and 43-48 under 35 U.S.C. §103(a) as being unpatentable over Jochum et al. (U.S. Patent No. 5,583,164), in view of Bowen et al. (U.S. Patent No. 3,740,850), Erickson et al. (U.S. Patent No. 3,928,280), Argenttar (U.S. Patent No. 4,243,763), Antonucci (U.S. Patent No. 4,536,523), Bowen (U.S. Patent No. 5,320,886), Eichmiller (U.S. Patent No. 5,525,647), Okada et al. (U.S. Patent No. 5,698,611),

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Kawashima et al. (U.S. Patent No. 5,908,879), Harada et al. (U.S. Patent No. 6,191,191), Nippon Oil & Fats (EP Patent No. EP 0 176 777), University of California (PCT Patent No. WO 95/30480), or Kurary Co. Ltd. (JP Patent No. JP 9-77623).

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Summary

It is respectfully submitted that the pending claims 9, 13, 15, 16, 36, and 42 are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted for
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Dec. 20, 2004
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CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 20th day of December, 2004, at 12:51 p.m. (Central Time).

By: Rachel Gagliardi-Graham
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